

# United States District Court

EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION

IN THE INTEREST OF

N.L.P.,

A CHILD

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Civil Action No. 4:17-CV-236

(Judge Mazzant/Judge Nowak)

## **MEMORANDUM ADOPTING REPORT AND RECOMMENDATION OF UNITED STATES MAGISTRATE JUDGE**

Came on for consideration the report of the United States Magistrate Judge in this action, this matter having been heretofore referred to the Magistrate Judge pursuant to 28 U.S.C. § 636. On May 3, 2018, the report of the Magistrate Judge (Dkt. #59) was entered containing proposed findings of fact and recommendations that Plaintiff Shane Perry's § 1983 claims against Dr. Darin Jolly and Chastin Smiddy in their individual capacities for violating Plaintiff's right to familial association under the First and Fourteenth Amendments be dismissed. On May 17, 2018, Defendants Dr. Darin Jolly and Chastin Smiddy filed a Notice of Non-Objection to Magistrate Judge's Report and Recommendation (Dkt. #61).

Having received the report of the Magistrate Judge, and no objections thereto having been timely filed, the Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and adopts the Magistrate Judge's report as the findings and conclusions of the Court.

It is, therefore, **ORDERED** that Plaintiff Shane Perry's § 1983 claims against Dr. Darin Jolly and Chastin Smiddy in their individual capacities for violating Plaintiff's right to familial association under the First and Fourteenth Amendments are **DISMISSED WITH PREJUDICE**.

**IT IS SO ORDERED.**

**SIGNED this 3rd day of June, 2018.**



AMOS L. MAZZANT  
UNITED STATES DISTRICT JUDGE